

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

KENT GARVEY, ALBERT OVERHAUSER,  
JAMES T. MARSH, ROGER E. BUCK, and  
THOMAS LOVELESS, on behalf of themselves  
and all others similarly situated,

Plaintiff,

v.

JAMES ARKOOSH AND  
DIOMED HOLDINGS, INC.,

Defendants.

Civil Action No. 1:04CV10438 (RGS)

**NOTICE OF FILING WITH CLERK'S OFFICE**

Notice is hereby given that Exhibits 1 through 6 to Defendants' Memorandum in Support of Their Motion to Dismiss have been manually filed with the Court and are available in paper form only.

The original documents are maintained in the case file in the Clerk's Office.

Dated: October 21, 2004

Respectfully submitted,

JAMES ARKOOSH and  
DIOMED HOLDINGS, INC.  
By Counsel

/s/ James J. Foster

James Foster (BBO #553285)  
jfooster@wolfgreenfield.com  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
617.646.8000 (phone)  
617.646.8646 (fax)

Of Counsel:

Charles Wm. McIntyre (VSB# 27480)  
McGuireWoods LLP  
Washington Square  
1050 Connecticut Avenue, N.W., Suite 1200  
Washington D.C. 20036  
202.857.1742 (phone)  
202.828.2967 (fax)

Brian E. Pumphrey (VSB# 47312)  
McGuireWoods LLP  
One James Center  
901 East Cary Street  
Richmond, Virginia 23219  
804.775.7745 (phone)  
804.698.2018 (fax)

Counsel for Defendants